

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #1	CCRB Case #: 201904180	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/04/2019 6:30 AM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 11/4/2020	EO SOL 6/21/2021	
Date/Time CV Reported Sat, 05/04/2019 10:27 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/13/2019 11:23 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick Mcgrath	17849	958904	090 PCT
2. An officer			090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Arias	00329	941359	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Patrick Mcgrath	Abuse: Police Officer Patrick Mcgrath entered § 87(2)(b) in Brooklyn.	
B.POM Patrick Mcgrath	Abuse: Police Officer Patrick Mcgrath searched § 87(2)(b) in Brooklyn.	
C. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

§ 87(2)(b) called IAB on May 4, 2019 and filed the following complaint on behalf of her mother, § 87(2)(b) and her 16 year old son, § 87(2)(b) was not present for the incident.

On May 4, 2019, at approximately 6:30 a.m., officers entered and searched § 87(2)(b) apartment located at § 87(2)(b), in Brooklyn pursuant to Search Warrant number § 87(2)(b), requested by Police Officer Patrick McGrath of the 90th Precinct (**Allegation A and B: Abuse of Authority: § 87(2)(g)**). During the search warrant execution, an officer allegedly forcefully pulled § 87(2)(b) off a bed as he slept (**Allegation C – Force: § 87(2)(g)**).

There is video associated with this case but it is sealed.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Patrick McGrath entered § 87(2)(b), in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Patrick McGrath searched § 87(2)(b), in Brooklyn.

It is undisputed that officers entered and searched § 87(2)(b) apartment pursuant to a search warrant. Because PO McGrath requested the warrant, the entry and search allegations were pleaded against him.

Search warrant § 87(2)(b) (Board Review 01) was signed on § 87(2)(b), by the Honorable Kings County Judge § 87(2)(b) and was executed on May 4, 2019, resulting in multiple arrests. § 87(2)(b) and § 87(2)(b) were found in possession of a defaced loaded Smith and Wesson .380 caliber handgun, a quantity of marijuana, and narcotics paraphernalia with crack cocaine residue.

As per Criminal Procedure Law 690.05 (Board Review 02), officers may forcibly enter and search a location for which they have a valid search warrant.

§ 87(2)(g)

Allegation (C) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) could not be reached as his only mode of contact was through his mother, § 87(2)(b) § 87(2)(b) provided specific times at which § 87(2)(b) could be reached at her number but she either did not answer or she stated that § 87(2)(b) was not home and she did not know where he was.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
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- Police Officer Patrick McGrath has been a member of service for four years and has been a subject in one prior CCRB complaint and one allegation, which was not substantiated.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- A Notice of Claim request was sent to the NYC Comptroller's office on July 17, 2019 and the results will be added to the case file upon receipt.
- § 87(2)(b)
- § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City. § 87(2)(b) criminal case for this incident remains open.

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date